



U.S. Department
of Transportation

**Federal Transit
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

JUL 31 2015

Dear Colleague:

I am writing to share important information about the Federal Transit Administration's (FTA) ongoing role in strengthening transit safety as it relates to our accident investigation authority. In particular, I want you to know how FTA accident investigators operate and interact with State Safety Oversight Agencies (SSOAs) and FTA grantees to promote safety throughout the transit industry.

In 2012, Congress passed the Moving Ahead for Progress in the 21st Century Act granting authority to the FTA to conduct investigations, inspections, audits, examinations, and testing to ensure the safety of America's federally funded transit systems. Additionally, FTA has the authority to make reports, issue safety directives, issue subpoenas, and take depositions. These authorities provide the FTA with a clear mandate to conduct investigations for safety oversight of the transit industry.

The FTA accident investigators have extensive rail transit safety experience enabling them to analyze and evaluate reports, hazards, operations, and procedures. The role of these investigators is two-fold: to investigate safety-related events in the transit industry and to gather information that informs the safety process within the FTA. The FTA's investigators may travel to the scene of an incident, or simply contact the responsible SSOA, the FTA grantee, or other involved parties to obtain information. An FTA Federal investigation in no way changes the expectations and regulatory requirements for FTA grantees and SSOAs to conduct their own comprehensive investigations.

The duties of FTA investigators also include regularly contacting SSOAs, transit providers, manufacturers, trade organizations and other industry stakeholders to collect detailed safety-related data. These communications are part of FTA's effort to use Safety Management System processes to identify risk across the transit industry. As a result, FTA's investigators may contact you when there has been an accident or incident, as well as on a regular basis as they seek to partner with you to make a very safe mode of travel even safer.

It is important to make clear the difference between investigations conducted by the FTA and the National Transportation Safety Board (NTSB). The NTSB is an independent Federal agency that conducts investigations and issues safety recommendations aimed at preventing future accidents, although it has no enforcement or regulatory authority over any mode of transportation. When the NTSB conducts an investigation, it does so to determine the probable cause of an accident and to make recommendations to prevent a reoccurrence of that particular event. The FTA's investigations serve a different purpose.

While FTA also conducts accident investigations to determine probable cause, it differs from the NTSB insofar as FTA can take a regulatory or other enforceable action to address the cause of a given accident. It also is important to note that by regulation, the FTA is guaranteed party status in any NTSB investigation of a transit safety incident. For a given transit-related safety event, the FTA may participate in an NTSB investigation, conduct its own independent investigation or choose not to investigate at all.

I remain committed to keeping you informed on all developments of our growing safety oversight program, and furthering our mutual goal of keeping transit workers and passengers safe. Please feel free to contact Thomas Littleton, Associate Administrator for Transit Safety and Oversight, at (202-366-9239) or via email at Thomas.Littleton@dot.gov with any questions or concerns on FTA's safety investigation role.

Thank you for your ongoing efforts to ensure the safety of public transportation passengers.

Sincerely yours,



Therese W. McMillan
Acting Administrator